

Honorable Thomas S. Zilly

**U.S. DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

STRIKE 3 HOLDINGS, LLC, a Delaware
corporation,

Plaintiff,

vs.

JOHN DOE, subscriber assigned IP
address 73.225.38.130,

Defendant.

Case No.: 2:17-cv-01731-TSZ

**DECLARATION OF J. CURTIS
EDMONDSON**

1 I, J. CURTIS EDMONDSON, declare as follows:

- 2 1. I am an attorney licensed to practice law within the States of California, Washington,
3 and the District of Columbia. I am admitted to several district and federal appellate
4 courts.
- 5 2. I am counsel of record for Defendant JOHN DOE, subscriber assigned IP address
6 73.225.38.130 ("Doe") in this matter. I have handled over 30 bittorrent cases for
7 defendants in various districts across the United States.
- 8 3. Attached as **Exhibit 1** is a true and correct copy of an email I sent to Strike 3 Holdings,
9 LLC ("Strike 3")'s counsel in this case requesting supporting evidence that my client
10 had infringed. Nothing has been provided.
- 11 4. Attached as **Exhibit 2** is a true and correct copy of the Wiki page for Camden,
12 Delaware, the town where Strike 3 Holdings, LLC is apparently located.
- 13 5. Attached as **Exhibit 3** is a true and correct copy of the Camden, Delaware ordinance
14 on pornographic establishments.
- 15 6. Attached as **Exhibit 4** is a true and correct copy of correspondence with a representative
16 of the Town of Camden, Delaware.
- 17 7. Attached as **Exhibit 5** is a true and correct copy of the criminal conviction of Greg
18 Aouizerate aka Greg Lansky in Los Angeles County.
- 19 8. Attached as **Exhibit 6** is a true and correct copy of the California Secretary of State
20 filing for General Media Systems, LLC, the parent company of Strike 3 Holdings,
21 which states it is located in Delaware and in Studio City, California.
- 22 9. Plaintiff has provided the Declaration of Tobias Fieser in support of its Ex Parte motion
23 to serve subpoena on a third party prior to a Rule26(f) (Dckt. No. 4-3). Mr. Fieser has
24 provided declarations in a number of previous cases involving infringement allegations,
25 similar to the allegations in this case. I have previously deposed Mr. Fieser in these
26 previous cases. Attached as **Exhibit 7** is portion of the deposition testimony where Mr.
27 Fieser testified that he "verified films" at a rate of 2-3 hours per week.
10. Mr. Fieser has stated that he is employed by IPP International UG ("IPP"), a German
entity he claims provides forensic investigation services to copyright owners. (Dckt.
No. 4-3 at ¶¶3, 4).

- 1 11. Mr. Fieser has stated that he has provided testimony on the “forensic scanning process”
2 in previous cases, including *Malibu Media v John Does*, 12-cv-2078, (E.D. Pa. Jan. 3,
3 2013). (Dckt. No. 4-3 at ¶6). Mr. Feiser has previously lied in depositions, specifically
4 he has stated that he has reviewed all infringement data generated by the detection
5 software. My analysis of the sheer amount of data involved, and subsequent questioning
6 of Mr. Faiser under oath, demonstrated that it is completely impossible for him to have
7 conducted the analysis he claims
- 8 12. Mr. Fieser states that, as part of his employment with IPP, he was “assigned the task of
9 overseeing, analyzing, and reviewing” results. (Dckt. No. 4-3 at ¶6). Mr. Fieser is not a
10 licensed investigator in the State of Washington.
- 11 13. This case is one of thousands filed across the United States based on the data generated
12 by a so-called “detection software system”. This German software system, while known
13 by various names (IPP, Guarderlay, MaverickEye, MaverickMonitor), is at the center
14 of all the filings. Across the numerous cases network of people have been linked to the
15 “detection” software, Mr. Arheidt, Mr. Perino, Mr. Griffin and Mr. Fieser in this case.
16 Declarations attributed to these individuals are demonstratively false, and it appears that
17 Mr. Griffin is in fact a completely fictitious person. (*See* Lynch Declaration).
- 18 14. The services provided by IPP do not rise to the level of “forensic investigation”. This
19 software has been extensively analyzed by Dr. Kal Toth, P.Eng, who has been retained
20 by Defendant's counsel to assess the accuracy and reliability of the software used by
21 the Plaintiff's "private investigator" to collect evidence in connection with the alleged
22 infringements. These reports demonstrate that the detection software fails to meet NIST
23 standards for forensic software.
- 24 15. Attached as **Exhibit 8** is a true and correct copy of the expert report, entitled “Third
25 Expert Report: Assessment of MaverickMonitor Software Reliability”, dated February
26 27, 2018. This report was produced after Dr. Toth reviewed the source code produced
27 by Plaintiff.
16. Attached as **Exhibit 9** is a true and correct copy of the expert report produced by Dr.
Toth, entitled “Expert Report Re. Malibu LLC vs. John Doe”, dated December 14,
2016. This report was prepared in connection with the matter of *Malibu LLC vs. John
Doe* in the Northern District of California (3:15-cv-04441-WHA) which analyzed the

1 system used by Excipio, a company run by the same team as MaverickMonitor. The
2 report concludes that the software used to monitor torrents was developed in an ad hoc
3 fashion and cannot be relied upon forensically.

4 I swear under the penalty of perjury under the laws of the United States of America that the
5 above is true and correct.

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7 Executed on: March 8, 2018

8 /s/ J. Curtis Edmondson

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10 J. CURTIS EDMONDSON
11 Declarant
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